



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

March 28, 1978

OLC-78-1138
Pro/Leg

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer
Department of Health, Education, and Welfare
Department of Defense
Veterans Administration
Tennessee Valley Authority
Department of State
Central Intelligence Agency
Environmental Protection Agency
D.C. Government

SUBJECT: Proposed CSC amendments to H.R. 4620, a bill entitled the "Federal Physicians Comparability Allowance Act of 1976" (These amendments were recommended to the House Post Office and Civil Service Committee by Chairman Campbell in testimony on 2/21/78.)

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

A response to this request for your views is needed no later than Friday, March 31, 1978. (The House Post Office and Civil Service Committee plans to mark-up H.R. 4620 shortly.)

Questions should be referred to Frank White (395-3910) or to Jim Stimpson (395-3736), the legislative analyst in this office.

Naomi R. Sweeney

Naomi R. Sweeney, for
Assistant Director for
Legislative Reference

Enclosures

cc: Eve Barrett

Suggested Amendments to H.R. 4620

(New material underlined; deleted material in brackets and scored through)

A BILL

To amend title 5, United States Code, to provide special allowances to certain physicians employed by the United States in order to enhance the recruitment and retention of such physicians.

1 Be it enacted by the Senate and House of Representatives of the
2 United States of America in Congress assembled, That this Act may be
3 cited as the "Federal Physicians Comparability Allowance Act of 1976".

4 Sec. 2. (a) Subchapter IV of chapter 59 of title 5, United States
5 Code, relating to allowances, is amended by adding at the end thereof
6 the following new section:

7 "§5948. Physicians comparability allowances

8 ~~["(a) A Government physician, in addition to pay otherwise due~~
9 ~~him, is entitled to--~~

10 ~~["(1) a professional allowance--~~

11 ~~[(A) at a per annum rate of \$1,200 if he has served~~
12 ~~as a Government physician for twenty-four months or less, or~~

13 ~~["(B) at a per annum rate of \$4,200 a year if he has~~
14 ~~served as a Government physician for more than twenty-four~~
15 ~~months, plus~~

16 ~~["(2) an allowance under any service agreement made pursuant~~
17 ~~to subsection (b) of this section.]~~

18 "~~[(b)(1)]~~ (a) Notwithstanding any other provision of law, and
19 in order to recruit and retain highly qualified Government physicians
20 ~~[in an Executive agency]~~, the head of ~~[such]~~ an agency, subject to the
21 provisions of this section and such regulations ~~[which the Civil Service~~

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1 Commission] as the President or his designee may prescribe, may enter
2 into a service agreement with a Government physician which provides
3 (A) for such physician to complete a specified number of years of
4 service in such agency in return for (B) an allowance for the duration
5 of such agreement in an amount to be determined by the agency head
6 and specified in the agreement, but not more than [\$5,800] \$7,000
7 per annum [upon the execution, and for the duration of, such agreement,
8 if the Government physician has served as a Government physician for
9 24 months or less, and not more than \$10,000 per annum if the Government
10 physician has served as a Government physician for more than 24 months.

11 "[~~2~~] (b) An allowance may not be paid pursuant to this subsection
12 to any physician who--

13 "(A) is employed on less than a half-time or intermittent
14 basis,

15 "(B) occupies an internship or residency training position,
16 [or]

17 "(C) is a reemployed annuitant, or

18 "(D) is fulfilling a scholarship obligation.

19 "[~~3~~] (c) The head of [~~each-Executive~~] an agency, pursuant to
20 such regulations, criteria, and conditions as the President or his
21 designee may prescribe, [may] shall determine categories of positions
22 applicable to physicians in such agency as to which there is [~~no~~] a
23 significant recruitment and retention problem. [~~Physicians~~] Only those
24 physicians serving in such positions shall [~~not~~] be eligible for an allow-
25 ance pursuant to this [sub]section. The amounts of each such allowance

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1 shall be determined by the agency head, subject to such regulations,
2 criteria, and conditions as the President or his designee may prescribe,
3 and shall be the minimum amount necessary to deal with the recruitment
4 and retention problem for each such category of physicians.

5 "[<4>] (d) Any agreement entered into by a physician under this
6 [sub]section shall be with respect to a period of one year of service in
7 the [Executive] agency involved unless the physician requests an agree-
8 ment for a longer period of service [~~not-to-exceed-four-years~~]. No
9 agreement shall be entered into under this section later than
10 September 30, 1979, nor shall any agreement cover a period of service
11 extending past September 30, 1981.

12 "[<5>] (e) Any [such] agreement under this section shall provide
13 that the physician, in the event that such physician voluntarily, or
14 because of misconduct, fails to complete at least one year of service
15 pursuant to such agreement, shall be required to refund the total amount
16 received under this section, unless the head of [such] the agency, pursuant
17 to [the] such regulations as may be prescribed under this [sub]section by
18 the [Civil-Service-Commission] President or his designee, determines
19 that such failure is necessitated by circumstances beyond the control
20 of the physician.

21 "[<6>] (f) Any [such] agreement under this section shall specify,
22 subject to such regulations as the President or his designee may prescribe,
23 the terms under which the head of the [executive] agency and the physician
24 may elect to terminate such agreement, and the amounts, if any, required
25 to be refunded by the physician for each reason for termination.

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1 "[~~e~~] (g) For the purpose of this section--

2 "(1) 'Government physician' means any individual employed
3 as a physician who is paid under--

4 "(A) section 5332 of this title, relating to the
5 General Schedule;

6 [~~"(B)--subchapter IV of chapter 14 of title 22, relating~~
7 ~~to the Foreign Service; or~~

8 [~~"(C)--pay scales or rate systems established for physicians~~
9 ~~employed by--~~

10 [~~"(i)--the Postal Service or the Postal Rate Commission;~~

11 [~~"(ii)--the Canal Zone Government or the Panama Canal~~
12 ~~Company;~~

13 [~~"(iii)--the Energy Research and Development Admin-~~
14 ~~istration; or~~

15 [~~"(iv)--the Tennessee Valley Authority;~~]

16 "(B) section 5361 of this title, or similar statutory
17 authority, relating to administratively determined pay for cer-
18 tain specially qualified scientific or professional personnel;

19 "(C) section 831b of title 16, relating to the Tennessee
20 Valley Authority;

21 "(D) subchapter IV of chapter 14 of title 22, relating
22 to the Foreign Service; or

23 "(E) section 121 of title 2, Canal Zone Code, relating
24 to the Canal Zone Government and the Panama Canal Company; and

25 "(2) '[~~executive~~] agency' [~~includes the Postal Service~~

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1 ~~and-Postal-Rate-Commission]~~ means an Executive agency, as defined
2 in section 105 of this title, and the District of Columbia government.

3 "~~(d)~~ (h)(1) Any allowance paid under this section shall not
4 be considered as basic pay for the purposes of subchapter VI and
5 section 5595 of chapter 55, chapter 81, 83, or 87 of this title, or
6 other benefits related to basic pay.

7 "(2) Any allowance under this section for a Government physician
8 shall be paid in the same manner and at the same time as ~~his~~ the
9 physician's basic pay is paid."

10 (b) The analysis for chapter 59 of such title is amended by
11 adding at the end thereof the following:

"5948. Physicians comparability allowances."

12 Sec. 3. (a) The amendments made by this Act shall ~~[apply with~~
13 ~~respect to pay periods beginning more than thirty]~~ become effective on
14 such date as the President or his designee may specify, but not less
15 than sixty days after the date of the enactment of this Act.

16 (b) The amendments made by this Act are repealed, unless specif-
17 ically extended by Act of Congress, effective on September 30, 1981.